

**PROJECT DEVELOPMENT BOARD
INAUGURAL MEETING
SEPTEMBER 19, 2005
6:00 P.M.**

AOC CONSTRUCTION FILE
COUNTY: LAUREL
FILE CODE: PDB 1
SUBMITTED BY: J/K
DATE: 31 JAN 06

The Inaugural Meeting of the Project Development Board (PDB) for the Laurel County Judicial Center met on September 19, 2005 at Carnaby Square Shopping Center, Laurel County Fiscal Courtroom London, Kentucky.

Mr. Garlan Vanhook, AIA, General Manager of Facilities, opened the meeting stating that on behalf of the Chief Justice we are very proud to start this project here tonight in this Inaugural Meeting. Mr. Vanhook stated that he would be the Project Manager for this project for the Administrative Office of the Courts (AOC) and that he has a backup staff member to attend meetings in case that he is not there and that will be either Jim King or Mr. Vance Mitchell. Mr. Vanhook turned the meeting over to the County Judge Executive, Lawrence Kuhl, to officially begin the project.

CALL TO ORDER

Judge Kuhl called the Inaugural Meeting of the Project Development Board to order.

Judge Kuhl continued that we did publish our notices that this would be a meeting that is open to the general public and the media. We do not have any of those present today.

1. INTRODUCE PDB MEMBERSHIP

Judge Kuhl introduced those present as:

Garlan Vanhook, Project Manager
Roderick Messer, Circuit Judge
Roger Schott, Circuit Clerk
Doug Reece, Attorney
Roy Crawford, Magistrate
Sandy Wallace, Recording Secretary

Judge Kuhl stated that Attorney Warren Scoville had called and stated that he would be arriving late.

2. PDB CHAIRMAN

Judge Kuhl stated that the next item of business was to officially have a motion to confirm me, Lawrence Kuhl, Laurel County Judge/Executive, to be the Project Development Board Chairman.

A motion was made by Judge Messer and seconded by Doug Reece to confirm Judge Kuhl as Project development Board Chairman. The vote was taken and carried as follows:

Yes carries unanimously.

3. PDB CO-CHAIRMAN

A motion was made by Roger Schott and seconded by Roy Crawford to elect Judge Roderick Messer as PDB Co-Chairman. The vote was taken and carried as follows:

Yes carries unanimously.

4. NEW BUSINESS

Minutes of the last meeting

Garlan Vanhook stated that there needed to be a correction to the minutes on Item 5, Project Schedule; Line (j), Solicitation and bidding processes, should read advertisements for proposals and/or bids must be received by the county no less than 10 days or more than 21 days after the last published date of the advertisement.

A motion was made by Roger Schott and seconded by Roy Crawford to approve the minutes as amended. The vote was taken and carried as follows:

Yes carries unanimously.

(a) Discuss/confirm business procedures and practice for keeping minutes

Judge Kuhl stated that he would recommend Sandy Wallace as Recording Secretary and as we discussed pay her \$50.00 per meeting as a stipend.

Garlan Vanhook stated that you might want to add that the meetings that might have an extended venue, interviewing architects; it might be 4 or 5 hours long. We want to put a contingency in there to pay an additional sum that would be fair and agreed on for anything over and above the call of duty of a typical meeting.

A motion was made by Roger Schott and seconded by Judge Messer to approve Sandy Wallace as Recording Secretary and pay a \$50.00 per meeting stipend and an additional sum for extended meetings. The vote was taken and carried as follows:

Yes carries unanimously.

Doug Reece asked that there be a motion on record as to what the official records of these meeting are. Official records should be the written word.

A motion was made by Doug Reece and seconded by Roy Crawford that the official minutes of the Project Development Board Meetings and the future actions of this body be reduced to writing and approved by this body and nothing else shall be the official records. The vote was taken and carried as follows:

Yes carries unanimously.

Judge Messer asked if the Board had the authority to go into Executive Session and if so what were the parameters.

Garlan Vanhook stated that it wasn't specifically set out in our AP Guidelines. What we have done is follow the Kentucky Statutes that regulate county business. Mr. Vanhook continued that legal issues, financial issues, architect selection processes, for interviewing processes; it is difficult to have that meeting and have the general public say, I like this guy's building and I didn't like that one. Those kinds of issues would fall into that category or they have in the past years that we have been doing these Project Development Boards.

(b) Design Professionals (Architect) Selection

A motion was made by Roy Crawford and second by Roger Schott that the Board proceed with the advertisement for the Request for Proposals (RFP) and Request for Questionnaire (RFQ) from architectural firms. The vote was taken and carried as follows:

Yes carries unanimously.

Judge Kuhl stated that the advertisements should be in a state paper two times and be no more than twenty-one (21) days or no less than ten (10) days from the deadline set for the proposals to be submitted.

Judge Kuhl stated that the Board would need to meet to shortlist the RFP's to three or five and then have interviews.

Garlan Vanhook stated that they would have to interview a minimum of three and not more than six.

After some questions in regard to the legal ads, Mr. Vanhook stated that the ad advertises what the project is about; it states where it is to be, it states the time and date that the proposals are to be received and the time after which none can be considered. Mr. Vanhook continued that it is a formalized questionnaire that treats everybody's information equally. That information can be pick up personally out of Mr. Vanhook's office or out of Judge Kuhl's office or it can requested by mail from either office.

We have not allowed any email distribution of those simply because, from a legal point of view, it is their duty to review the ad and seek out to respond in the way that the ad describes. As an architect, this is the style of advertisement that we put in front of all the bid documents when we are doing bids for contractors; so to me it is an equal thing.

Mr. Vanhook continued that the County Attorney could review it and say that it meets the County's responsibilities; we are essentially a county formed board. The contracts that are going to be entered into are county contracts.

After further discussion, Mr. Vanhook stated that the three services that we are about to advertise for are professional services that don't require advertisement at all other than the fact that the Court of Justice requires that to be done in what we feel like is a fair expression of presenting more than one particular view of the professional services that we are trying to seek out.

No later than October 12, 2005, 12:00 noon, was set as the deadline to accept proposals. The Regular Meeting scheduled for Monday, October 17, 2005 is to be canceled and Friday, October 14, 2005, 2:00 p.m. to be set for a Special Called Meeting to review and shortlist the proposals. The media will be notified.

Mr. Vanhook stated that the firms have been clearly instructed to send ten (10) copies and if they do not they are eliminated.

Let the record show that Mr. Warren Scoville is now in attendance.

(c) Financial Agent Selection, Interim Financing

(d) Advertise for Construction Manager

Garlan Vanhook recommended that the same dates be used and the same arrangement for the financial advisor as we have for the architects. All of the proposals to be received on October 12, 2005 at noon and then if we want to review them on the October 14th. If we want to shortlist them we can; if we decide that we don't have time to review the financial agent and the construction manager, we could have their review at our next meeting or just whenever that we could fit it in. Mr. Vanhook stated that there are no requirements to respond to them in any timeframe once they have met our requirements of responding. If we get them all done then our solicitations are over and when Laurel County is done advertising then we are done.

Judge Kuhl stated that we need to go ahead and suggest the construction manager be done the same way.

Warren Scoville asked if a construction manager was always something that you have on these projects. Mr. Scoville continued that he thought an architect might say; here is the architectural plan and we are going to put it out for bids and some construction company may do it.

Garlan Vanhook stated that we don't have to advertise for a construction manager. That is not required by law. By law we have to have an architect and we have to have a financial agent.

Mr. Vanhook continued that the reason that we have it on there is if we want to consider that. If the Board doesn't want to consider the form of construction management that is laid out for us in the guidelines, then we can say that Laurel County is going to be a general contract bid.

After further discussion in regard to the most cost effective way to go, Mr. Vanhook stated that previously the construction manager was just a service agent, he was just collecting a fee to manage the county's contracts. We now require that construction manager to be "at risk". If he takes those contracts, he puts them under his umbrella and he says that he is going to take those contracts and he is going to expedite them under one big bond and then they are all going to be his responsibility.

Mr. Vanhook stated that the reason he would recommend tonight that we do construction managers is we can have them make their proposal to us with no obligation to meet any of them and/or to hire any of them. But, at least, if we did desire after we hire our architect and the architect we chose stated that he had a really good plan for us using a construction manager then we could take his additional professional consultation and put it into the mix for our decision. At least we would have them all gathered in and we wouldn't have another three week process gathering in the CM. Even if we interview CM's we have not obligation to hire them.

Douglas Reece asked if there was a disclaimer in the bid that we are no obligation to accept any of these.

Mr. Vanhook stated that there was a disclaimer stating that the County has the right to accept or reject any and all proposals for whatever purpose they would see fit.

A motion was made by Warren Scoville and seconded by Roger Schott that the Board proceed with the advertisement for the Request for Proposals (RFP) and Request for Questionnaire (RFQ) for the Financial Agent and Construction Manager in unison with dates and time we have already discussed. The vote was taken and carried as follows:

Yes carries unanimously.

Garlan Vanhook stated that we could add a disclaimer line to the CM ad and simply add a line that the Project Development Board reserves all rights to reject and accept any and all bids.

A motion was made by Doug Reece and seconded by Warren Scoville to add the disclaimer line to the Construction Management ad. The vote was taken and carried as follows:

Yes carries unanimously.

Judge Kuhl asked if the decisions made by the Board were to be taken to the Fiscal Court to have them approved or ratify.

Garlan Vanhook stated that his personal feeling was that the Fiscal Court made Judge Kuhl and Magistrate Crawford their agent by accepting the Memorandum of Understanding to build this in accordance with the Chief Justice's Rule of Administrative Procedure. I think that because Judge Kuhl is the Chairperson and the Judge/Executive that you want to make them fully aware and informed of the procedures and business that we are doing. There is a point that we want to schedule things for payment, etc.; that would go before them for ratification. I think just as a gesture of good faith for their information. And the idea that ultimately the bond or financial response belongs to the County. Relative to making an advertisement to proceed with our business, I think that this Board has all the autonomy to proceed with that.

Judge Kuhl stated that with what Mr. Vanhook said at the last meeting and what he had read on this, that was his opinion, too; but he wanted to see what was done in the other counties. Judge Kuhl continued that he would keep the Fiscal Court abreast and informed at each meeting what has taken place by this Board.

Garlan Vanhook stated that in the beginning, we have an awkward situation of wanting to propagate these ads. These ads obviously cost us a little bit of money. It is all a reimbursement directly from the final funds so the County is only funding the money to expedite our business and they are refunded one hundred percent.

(e) Project Business

i. Site discussion....Property

Judge Kuhl stated that the Fiscal Court had done some advertisements where we listed land within a two or three block area of the existing courthouse on the West side of the courthouse and close to the courthouse and the jail.

Judge Kuhl continued that Mr. Vanhook suggested at the last meeting that we may want to have the prospective land owners come and present their proposals to the Board rather than advertise and have them sent in. We need to think about what procedures we want to move forward and in the month of November have something in here for us to discuss and look at.

Doug Reece asked if Judge Kuhl thought we could go down a side street for this.

Judge Kuhl stated that it says yes.

Mr. Reece continued stating that it is the largest capital investment that has ever been made in the City of London, by far, and you are going to stick it on a side street.

Judge Kuhl stated that he didn't say that. He just said within a two block area.

Judge Rodrick Messer stated that his preference would probably be Main Street but I think at this point we don't need to limit it and maybe consider the whole downtown. Then I think we get the proposals in and then get into the big discussion about which one we are going to like. That is probably where we are going to have the long discussion and we are going to have some disagreement.

Warren Scoville stated that he agreed but he thought that if the Board had some parameters of what we are trying to do, for example, the talk that I have heard, just generally; that there is no doubt that the Main Street property where the old Baptist Church was is ideal for the reasons that you can have underground parking off Broad Street, it is a block that need renovating that would help the town, it is close to the jail and you might be able to tunnel underneath the street and never have to take a prisoner out of the jail. Mr. Scoville continued that he also understood that the County has bought some property west of the jail for a new jail; which means that if we wrote everybody that has property there in that block and said we are interested in possibly buying your property would you sell it to us.

Mr. Scoville continued that there is a block for sale; Brian House has got a block. What we have as leverage is that we have got a block right behind the Courthouse that we own half of already. We can say to other property owners that we would like to buy your property but we have this piece where we would only have to buy McCracken, Cato, the Lodge and Moberly, who want to sell, and we own the rest of the block. Mr. Scoville stated that he had heard people say that we should buy both those blocks because you could drop the one block and have a mall like they have in Lexington and put the new Justice Center where Brian House's is, which would tunnel underground to the new jail site if we are going to have a new jail.

Mr. Scoville continued stating that to him the parameters are, not who owns the property, the parameters are security, helping the downtown look better and building a dynamite facility. Obviously, when you talk about other facilities, there has been talk about going down to the Christian Church, Sweetie Smith's block is a Main Street block, but that is walking prisoners three blocks and not close to the Courthouse.

Mr. Scoville continued that once we have an architect, he or she may be able to throw out parameters of what we want. We want underground parking so elevation is important. We want to be close to the jail for security purposes so maybe we can go underground.

Mr. Scoville asked if anyone else had a block in mind.

Doug Reece stated the block with the Shell station next to Tom Jensen's office. Mr. Reece continued that we could put a big square and a fountain in the middle.

Garlan Vanhook stated that, so far, there has not been an approach of a writing campaign stating that we are interested in property in this area, would you be interested or would you respond to our ad. Mr. Vanhook continued that he thought that would be a proactive way of us to be more active and solicit some willingness because of the vision that we might see. At the same time, there is the technical; most people have taken the technical approach to say that; and Laurel County is a little different than most of our smaller counties; most have taken the approach that they are interested in what the statute requires that the Courthouse be in the city limits of the county seat. They have ask for anybody and everybody that has an offering; even if that is out on the bypass and someone steps forward and says, I have bypass land for free, is that totally out of consideration. It might not be but it probably is because it doesn't automatically meet the parameters of our policy.

Mr. Vanhook continued that all the things that Mr. Scoville discussed fall into the guidelines and our policy procedures state that we have to demonstrate that the parameters are essentially not available to us and, therefore, we have to make the next best choice.

Warren Scoville stated that there was another block where Joe T. Roberts' building is.

Mr. Scoville continued that if we can get away without condemnation; I have a feeling that there are people out there that will try to gouge us. I think if we have two or three different sites that are pretty good sites.....

After further discussion, Roger Schott asked if we didn't need to take an affirmative action by motion to advertise, at this point in time, that this Board has been established. Obviously, this meeting was advertised and the public and the press doesn't seem to be too caring this evening, do we need to get this message out.

Garlan Vanhook stated that their regulations require a public advertisement, a public hearing. Mr. Vanhook read the Public Hearing Notice.

Warren Scoville stated that once we know what is for sale, it seems that the person that is going to help us the most is the architect. He is going to say we can build a building cheaper here, better here, better looking here, we can do underground parking here, we are closer to the jail here for security.

Judge Kuhl stated that is why we may not need to advertise for property right now until we get the architect on board.

After further discussion, Roger Schott stated that the AOC is viewing this building as a twenty-five year building.

Garland Vanhook stated that from the standpoint of an unchanging building. Mr. Vanhook continued that the way that the courts are taking on more and more, it is hard for us to build more space than we can use but that is another part of our job. Another part of job is to understand that what we are planning for is a master plan and a campus that allows us to promote growth in the courts without having to reinvent the wheel the next time that we want to add on to the court building. Acquiring land that might go from Main Street to Second Street to Third Street; if we can acquire as much campus as possible, then we control as much campus for a master plan that in the future lets us add on to this building; makes our architects think about what would be a second step to this building and without taking away from the beautification of the building.

After further discussion about possible sites and parameters to be set for the Public Hearing, it was decided to table the discussion until the next meeting.

It was decided that as we get closer to the building comments from the Bar Association would be helpful.

(ii) Building Program

No further discussion.

(iii) General Discussion

No further discussion.

Judge Kuhl stated that the next meeting will be on October 14, 2005 at 2:00 p.m.

3. ADJOURNMENT

A motion was made by Roger Schott and seconded by Judge Messer that the meeting be adjourned. The vote was taken and carried as follows:

Yes carries unanimously.

Lawrence Kuhl, Chairman Project Development Board
Laurel County Judge/Executive

Sandra C. Wallace, Secretary Project Development Board